



February 2, 2010

Dear Kitchen Cabinet members,

We're approaching "committee cutoff" in the Washington State Senate, after which most bill proposals will no longer be eligible for a committee hearing. Bills which have a fiscal impact, have to do with transportation, or are required to implement the state budget are exempt from this cutoff, which is February 5th. Some of my bills have already received hearings. One might even receive a vote of the full Senate as early as this week.

No bail option for those facing life sentences

My proposed constitutional amendment to give judges the option of denying bail to defendants whose conviction could result in their life sentence is really getting traction. In a previous Kitchen Cabinet update, I told you that my [Senate Joint Resolution 8218](#) would alter the state [constitution](#). **If my bill passes, the Legislature would retain control over how the judicial system chooses to make a no-bail determination for individuals.**

Protecting the protectors, honoring the fallen

On Wednesday of this week, the Senate will adopt a resolution which honors the six Washington State law enforcement officers who have been killed in the line of duty in recent months.

After the Senate adopts my resolution, the House of Representatives will do the same in their chamber. Following both ceremonies, there will be a gathering in the State Reception Room for officers and their families who attend to meet and receive thanks from legislators. **I look forward to attending this event, and hope you will consider being here on Wednesday as well to show your support.**



Zamora makes case for 'guilty and mentally ill' bill

There have been new developments regarding my "[guilty and mentally ill](#)" bill. Isaac Zamora was found guilty of murdering four people in a Sept. 6, 2008, shooting spree and not guilty by reason of insanity for two related deaths. He is currently isolated at Western State Hospital and under 24-hour guard by two Department of Corrections SWAT team members and one DSHS employee because of his apparent threats to escape, threats against individuals working at the hospital and against the community at large. **The cost to taxpayers for containing Zamora is easily over \$1 million a year.**

[Senate Bill 6310](#) would give a defendant the same sentence that any other defendant convicted of the same crime would receive. However, the individual would be committed to a secure mental health facility for up to 90 days before being transferred to DOC to complete his or her sentence in prison. The governor supports this idea and has her own bill which would send offenders found guilty and mentally ill directly to prison for stabilization. It's a very similar version to what I proposed last year. Regardless, I'm confident that one of these versions will pass and the mentally ill will have access to the treatment they require, our judicial system will have a better opportunity to keep the public safer and taxpayer will save money.

Bombshell dropped in Senate Human Services Committee

Last week, it was revealed in committee that eight more residents of the state's [Special Commitment Center](#) for sexually violent predators on McNeil Island are going to be indicted for

felony possession of child pornography – a federal crime. In September 2009, seven SCC residents were [indicted on similar charges](#), and one prior to that, bringing the total number of residents caught breaking the law to 16 in the last three years. The revelation came as a result of a question I asked during testimony by SCC Superintendant Kelly Cunningham in favor of [Senate Bill 6308](#). That bill would allow SCC residents to have access to a device which only allows word processing, **and not graphics**, rather than their personal computers.



The facility also has a nine-month backlog of these cases, which I believe will result in the number of SCC residents who will face charges for these types of crimes likely doubling this year. There are two, full-time staffers at the SCC who search the confiscated computers of residents suspected of having illegal material.

Allowing these sex predators to have unfettered access to computers is setting these individuals up for failure. **It's like leaving bottles of alcohol around a rehab clinic and then punishing residents for drinking them.** Once child pornography gets into the center, it spreads like a virus among many of these individuals, and it's all through their computers. The net result is, if an SCC resident is convicted a second time for a sex crime like this, he will spend the rest of his life in prison because of our state's two-strikes for sex offenses statute. While some may feel that locking them up for life is a good idea, I don't believe the state should be enabling people to break the law. My bill would help prevent that without interfering with a resident's freedom as a civilly committed individual. They would still be able to work on their cases or keep in contact with family.

The status of my bills

[SB 6310](#) - Guilty and mentally ill

HEARD IN THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE JANUARY 15. Allows a defendant who offers a timely defense of insanity to be found guilty and mentally ill at trial under certain circumstances.

SJR 8218 - Constitutional amendment restricting bail

HEARD IN THE SENATE JUDICIARY COMMITTEE JANUARY 19. Amends the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable.

SB 6318 - Hospitals reporting violent injuries

HEARD IN THE SENATE HEALTH AND LONG-TERM CARE COMMITTEE JANUARY 20. Requires hospitals to report patients who have experienced gunshot wounds to a local law enforcement authority as soon as possible.

SB 6309 - Not guilty by reason of insanity inheritance

HEARD IN THE SENATE JUDICIARY COMMITTEE JANUARY 27. Prohibits a person found not guilty by reason of insanity in a murder case from benefiting by their action.

SB 6308 - Computer access at SCC

HEARD IN THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE JANUARY 28. Prohibits any person committed or detained at the SCC from accessing a personal computer unless the resident's treatment plan states that such access is necessary.

SB 6316 - Coordination between local law enforcement and DOC

HEARD IN THE SENATE HUMAN SERVICES AND CORRECTIONS COMMITTEE JANUARY 28. Requires notification of DOC when an inmate, housed in any city or county jail and under supervision by the department, escapes or is released, provides local law enforcement real-time access to the statewide corrections database, and allows local law enforcement to detain offenders in violation of their conditions of release with or without an arrest warrant having been issued.

SJR 8208 - Conflicting residency requirements

REINTRODUCED FROM LAST SESSION – NOW IN THE SENATE RULES COMMITTEE AWAITING A FLOOR VOTE. Would amend the state Constitution to repeal a conflicting residency requirement for voting in a presidential election.

SB 6188 - Ten percent bail bond requirement

WILL LIKELY BE ROLLED INTO A WORK STUDY OF THE ENTIRE CRIMINAL JUSTICE SYSTEM, INCLUDING DOC, DSHS, THE JUDICIARY, LOCAL JAILS AND BAIL BOND BUSINESSES. Establishes a minimum bond fee of ten percent for crimes against persons, which include felony DUI, stalking, violation of a domestic violence no contact order, etc.

Yet to receive a hearing:

- [SB 6317](#) - Assault of police officer (in Judiciary)
- [SB 6311](#) - Body armor sentencing enhancement (in Judiciary)
- [SB 6313](#) - Bench warrants executed by bail bond agents (in Judiciary)
- [SB 5929](#) - Correctional employees' firearms (in Judiciary)
- [SB 6314](#) - Minimum security facilities (in Human Services and Corrections)
- [SB 6315](#) - Home detention/community custody violations (in Human Services and Corrections)
- [SB 6200](#) - Eminent domain for economic development (in Judiciary)
- [SB 6319](#) - Veteran's preference (in Government Operations and Elections)
- [SB 6583](#) - Audits and investigations (in Government Operations and Elections)
- [SB 6628](#) - No public art for offenders (in Human Services and Corrections)

In closing...

If you know someone in our district who might be interested in receiving these updates, please feel free to forward this e-mail to him or her.

As always, if you'd like to contact me you can write, phone, e-mail, or stop by my Olympia office. I look forward to your comments and suggestions because they help me better represent you. My office phone number is (360) 786-7654, and my home phone number is (253) 581-2859. Or you can write me at **102 Irv Newhouse Building, P.O. Box 40428, Olympia, WA 98504-0428.**



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Sincerely,

Mike Carrell

28th District State Senator